



# GENERAL ASSEMBLY COMMONWEALTH OF KENTUCKY

## 2005 REGULAR SESSION

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HOUSE BILL NO. 296

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WEDNESDAY, FEBRUARY 23, 2005

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The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED  
DATE March 18, 2005  
11:27am  
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TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Adles

AN ACT relating to the Kentucky Commission on Autism Spectrum Disorders.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 194A IS CREATED TO  
READ AS FOLLOWS:

(1) The Kentucky General Assembly finds that the various departments, agencies, and entities providing care and treatment to individuals with an autism spectrum disorder, otherwise known as ASD, often do so without the necessary collaboration or sharing of information on training, treatments, and services. The General Assembly declares that the purpose of Sections 1 and 2 of this Act is to establish:

(a) A commission to develop and monitor the implementation of a comprehensive state plan for an integrated system of training, treatments, and services for individuals of all ages with an ASD; and

(b) A timeline for implementing and monitoring the recommendations of the plan, as appropriate, in all geographic regions of the state.

(2) As used in Sections 1 and 2 of this Act, "autism spectrum disorders" or "ASD" has the same meaning as "pervasive developmental disorders" in the Diagnostic and Statistical Manual of Mental Disorders, fourth edition (DSM-IV). The term includes five (5) diagnostic subcategories:

(a) Autistic disorder;

(b) Asperger's disorder;

(c) Pervasive disorder not otherwise specified;

(d) Rett's disorder; and

(e) Childhood disintegrative disorder.

SECTION 2. A NEW SECTION OF KRS CHAPTER 194A IS CREATED TO  
READ AS FOLLOWS:

(1) There is hereby created the Kentucky Commission on Autism Spectrum

Disorders, which shall consist of the following twenty-three (23) members who shall be initially appointed by July 1, 2005:

(a) The secretary of the Cabinet for Health Services or his or her designee;

(b) The secretary of the Cabinet for Families and Children or his or her designee;

(c) The commissioner of the Department for Medicaid Services or his or her designee;

(d) The director of the Kentucky Early Intervention System, Department for Public Health or his or her designee;

(e) The commissioner of the Department for Mental Health and Mental Retardation Services or his or her designee;

(f) The director of the Office of Aging Services or his or her designee;

(g) The chair of the Council on Postsecondary Education or his or her designee;

(h) The director of the Division of Exceptional Children Services or his or her designee;

(i) The commissioner of the Department of Vocational Rehabilitation or his or her designee;

(j) The commissioner of the Department of Insurance or his or her designee;

(k) Two (2) nonvoting ex officio members from the House of Representatives, one (1) representing the majority party and one (1) representing the minority party, who shall be appointed by and serve at the pleasure of the Speaker of the House;

(l) Two (2) nonvoting ex officio members from the Senate, one (1) representing the majority party and one (1) representing the minority party, who shall be appointed by and serve at the pleasure of the President of the Senate;

(m) Four (4) professional ASD treatment providers, including at least one (1)

1       mental health provider, one (1) physical health provider, and one (1)  
 2       complex needs consultant from a special education cooperative, to be  
 3       appointed by the Governor; and

4       (n) Five (5) parents, including three (3) who, at the time of their appointment to  
 5       the commission, have a child with an ASD who is under eighteen (18) years  
 6       of age and two (2) who, at the time of their appointment to the commission,  
 7       have a child with an ASD who is eighteen (18) years of age or older, to be  
 8       appointed by the Governor.

9       (2) In making appointments to the commission, the Governor shall ensure broad  
 10       representation of Kentucky's citizens who are concerned with the health and  
 11       quality of life of individuals with an ASD, may appoint individuals who are also  
 12       members of the Kentucky Council on Developmental Disabilities, and shall  
 13       consider candidates recommended by the Autism Spectrum Disorders Advisory  
 14       Consortium of Kentucky.

15       (3) Members shall serve without compensation, but shall be reimbursed for their  
 16       actual expenses incurred in the performance of commission duties in accordance  
 17       with KRS 45.101 and administrative regulations promulgated thereunder.  
 18       Members of the commission shall serve until the commission ceases to exist, a  
 19       successor has been appointed, or until removed for good cause.

20       (4) The Cabinet for Health Services and the Cabinet for Families and Children shall  
 21       provide staff and administrative support for the commission.

22       (5) The chair of the commission shall be designated by the Governor and may be a  
 23       member in addition to those listed in subsection (1) of this section. The chair of  
 24       the commission shall establish procedures for the commission's internal  
 25       procedures.

26       (6) The commission shall meet at least three (3) times per year. The commission  
 27       shall also meet as often as necessary to accomplish its purpose upon the call of

1 the chair, the request of four (4) or more members, or the request of the  
 2 Governor.

3 (7) The commission shall develop a comprehensive state plan for creating an  
 4 integrated system of training, treatments, and services for individuals of all ages  
 5 with an ASD. The commission shall utilize relevant data and research and  
 6 consult with appropriate professionals, agencies, institutions, and organizations  
 7 representing the private and public sectors, including the Kentucky Autism  
 8 Training Center, to develop the state plan. The state plan shall include the  
 9 following:

10 (a) An assessment of the diverse needs for services and supports for individuals  
 11 with an ASD;

12 (b) Identification of state, federal, private, and any other appropriate funding  
 13 sources;

14 (c) Development of a comprehensive training plan, which shall include the  
 15 Kentucky Autism Training Center, to meet training needs;

16 (d) An analysis of standards for provider training and qualifications, best  
 17 practice standards for services, and the need for additional service  
 18 providers;

19 (e) An evaluation of health benefit plans and insurance coverage for the  
 20 treatment of ASD;

21 (f) A plan for the identification of individuals of all ages with an ASD and for  
 22 the creation of a statewide ASD registry;

23 (g) An analysis of program and service eligibility criteria;

24 (h) An assessment of the need for coordinated, enhanced, and targeted special  
 25 education and treatment programs for children with an ASD; and

26 (i) A timeline for implementing and monitoring the recommendations of the  
 27 plan statewide. The timeline shall include input from the following:

- 1        1.    The Cabinet for Health Services;
- 2        2.    The Cabinet for Families and Children;
- 3        3.    The Department for Medicaid Services;
- 4        4.    The Department for Public Health;
- 5        5.    The Department for Mental Health and Mental Retardation Services;
- 6        6.    The Kentucky Early Intervention System;
- 7        7.    The Division of Exceptional Children Services;
- 8        8.    The Department of Vocational Rehabilitation;
- 9        9.    The Department of Insurance;
- 10       10.   The Department of Education;
- 11       11.   The Council on Postsecondary Education; and
- 12       12.   Other appropriate agencies, professionals, institutions and  
13           organizations representing the public and private sectors, including  
14           the Kentucky Autism Training Center.
- 15       (8)   Based upon the comprehensive state plan for an integrated system of training,  
16           treatment, and services for individuals of all ages with an ASD, the commission  
17           shall make recommendations regarding legislation, administrative regulations,  
18           and policies to the Governor and the General Assembly on the following:
- 19           (a)   Needs for services and supports for individuals who have an ASD;
- 20           (b)   Funding needs and sources, including state, federal, private, and any other  
21           appropriate funding sources;
- 22           (c)   Training needs and a plan to implement a comprehensive training system,  
23           which shall include the Kentucky Autism Training Center;
- 24           (d)   Standards for provider training and qualifications, best practice standards  
25           for services, and the need for additional providers;
- 26           (e)   Goals for developing health benefit plans that provide insurance coverage  
27           for the treatment of ASD;

- 1        (f) A plan for the identification of individuals of all ages with an ASD and for  
 2        the creation of a statewide ASD registry;
- 3        (g) Consistent program and service eligibility criteria;
- 4        (h) The need for coordinated, enhanced, and targeted special education and  
 5        treatment programs for individuals with an ASD; and
- 6        (i) Strategies and timelines for establishing an accountable, cost efficient, and  
 7        cooperative system of services that integrates and builds upon existing  
 8        public and private agencies, programs, and resources.
- 9        (9) The commission shall submit the comprehensive state plan and recommendations  
 10       to the Governor, the Kentucky Council on Developmental Disabilities, and the  
 11       Legislative Research Commission by October 1, 2006, at which time the  
 12       commission shall cease to exist unless reauthorized by the General Assembly.
- 13       (10) The Kentucky Council on Developmental Disabilities shall appoint a  
 14       subcommittee, which shall include members of the commission, to monitor the  
 15       implementation of the state plan as developed by the commission beginning  
 16       October 1, 2006. The subcommittee shall prepare and the council shall submit a  
 17       report to the Governor and Legislative Research Commission that assesses  
 18       progress in the implementation of the state plan and that makes  
 19       recommendations on the need for modifications to the state plan as developed by  
 20       the Kentucky Commission on Autism Spectrum Disorders. The subcommittee  
 21       shall prepare and the council shall submit the report as it deems appropriate, but  
 22       no less than biennially, until October 1, 2015.

23       Section 3. KRS 194A.135 is amended to read as follows:

- 24       (1) The Kentucky Council on Developmental Disabilities is created within the cabinet.
- 25       (2) The Kentucky Council on Developmental Disabilities is established to comply with  
 26       the requirements of the Developmental Disabilities Act of 1984 and any subsequent  
 27       amendment to that act.

1 (3) The members of the Kentucky Council on Developmental Disabilities shall be  
 2 appointed by the Governor to serve as advocates for persons with developmental  
 3 disabilities. The council shall be composed of twenty-six (26) members.

4 (a) Ten (10) members shall be representatives of: the principal state agencies  
 5 administering funds provided under the Rehabilitation Act of 1973 as  
 6 amended; the state agency that administers funds provided under the  
 7 Individuals with Disabilities Education Act (IDEA); the state agency that  
 8 administers funds provided under the Older Americans Act of 1965 as  
 9 amended; the single state agency designated by the Governor for  
 10 administration of Title XIX of the Social Security Act for persons with  
 11 developmental disabilities; higher education training facilities, each  
 12 university-affiliated program or satellite center in the Commonwealth; and the  
 13 protection and advocacy system established under Public Law 101-496. These  
 14 members shall represent the following:

- 15 1. Department for Vocational Rehabilitation;
- 16 2. Department for the Blind;
- 17 3. Division of Exceptional Children, within the Department of Education;
- 18 4. Office of Aging Services;
- 19 5. Department for Medicaid Services;
- 20 6. Department of Public Advocacy, Protection and Advocacy Division;
- 21 7. University-affiliated programs;
- 22 8. Local and nongovernmental agencies and private nonprofit groups
- 23 concerned with services for persons with developmental disabilities;
- 24 9. Department for Mental Health and Mental Retardation Services; and
- 25 10. Department for Public Health, Division of Adult and Child Health.

26 (b) At least sixty percent (60%) of the members of the council shall be composed  
 27 of persons with developmental disabilities or the parents or guardians of



1 persons, or immediate relatives or guardians of persons with mentally  
2 impairing developmental disabilities, who are not managing employees or  
3 persons with ownership or controlling interest in any other entity that receives  
4 funds or provides services under the Developmental Disabilities Act of 1984  
5 as amended and who are not employees of a state agency that receives funds  
6 or provides services under this section. Of these members, five (5) members  
7 shall be persons with developmental disabilities, and five (5) members shall  
8 be parents or guardians of children with developmental disabilities or  
9 immediate relatives or guardians of adults with mentally impairing  
10 developmental disabilities who cannot advocate for themselves. Six (6)  
11 members shall be a combination of individuals in these two (2) groups, and at  
12 least one (1) of these members shall be an immediate relative or guardian of  
13 an institutionalized or previously institutionalized person with a  
14 developmental disability or an individual with a developmental disability who  
15 resides in an institution or who previously resided in an institution.

16 (c) Members not representing principal state agencies shall be appointed for a  
17 term of three (3) years. Members shall serve no more than two (2) consecutive  
18 three (3) year terms. Members shall serve until their successors are appointed  
19 or until they are removed for cause.

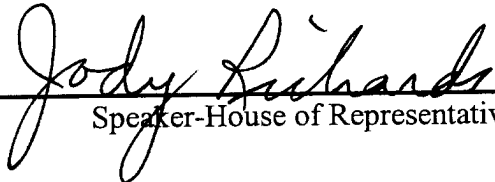
20 (d) The council shall elect its own chair, adopt bylaws, and operate in accordance  
21 with its bylaws. Members of the council who are not state employees shall be  
22 reimbursed for necessary and actual expenses. The cabinet shall provide  
23 personnel adequate to insure that the council has the capacity to fulfill its  
24 responsibilities. The council shall be headed by an executive director. If the  
25 executive director position becomes vacant, the council shall be responsible  
26 for the recruitment and hiring of a new executive director.

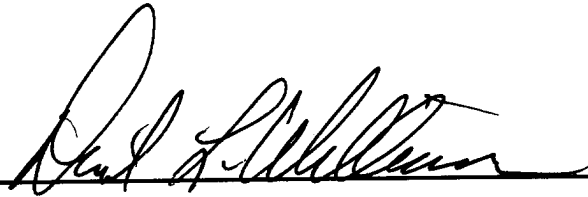
27 (4) The Kentucky Council on Developmental Disabilities shall:

- 1 (a) Develop, in consultation with the cabinet, and implement the state plan as  
2 required by Part B of the Developmental Disabilities Act of 1984, as  
3 amended, with a goal of development of a coordinated consumer and family  
4 centered focus and direction, including the specification of priority services  
5 required by that plan;
- 6 (b) Monitor, review, and evaluate, not less often than annually, the  
7 implementation and effectiveness of the state plan in meeting the plan's  
8 objectives;
- 9 (c) To the maximum extent feasible, review and comment on all state plans that  
10 relate to persons with developmental disabilities;
- 11 (d) Submit to the secretary of the cabinet, the commissioner of the Department for  
12 Mental Health and Mental Retardation Services, and the Secretary of the  
13 United States Department of Health and Human Services any periodic reports  
14 on its activities as required by the United States Department of Health and  
15 Human Services and keep records and afford access as the cabinet finds  
16 necessary to verify the reports;
- 17 (e) Serve as an advocate for individuals with developmental disabilities and  
18 conduct programs, projects, and activities that promote systematic change and  
19 capacity building;
- 20 (f) Examine, not less than once every five (5) years, the provision of and need for  
21 federal and state priority areas to address, on a statewide and comprehensive  
22 basis, urgent needs for services, supports, and other assistance for individuals  
23 with developmental disabilities and their families; and
- 24 (g) Prepare, approve, and implement a budget that includes amounts paid to the  
25 state under the Developmental Disabilities Act of 1984, as amended, to fund  
26 all programs, projects, and activities under that Act.

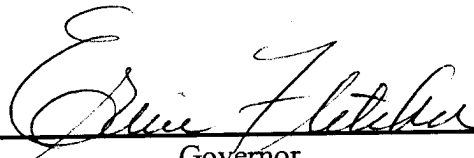
27 (5) The Kentucky Council on Developmental Disabilities shall appoint a

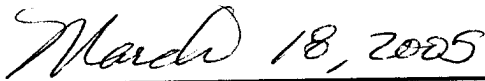
1       subcommittee, which shall include members of the Kentucky Commission on  
2       Autism Spectrum Disorders, to monitor the implementation of the state plan as  
3       developed by the commission beginning October 1, 2006. The subcommittee shall  
4       prepare and the council shall submit the report as required under subsection (10)  
5       of Section 2 of this Act.

  
\_\_\_\_\_  
Speaker-House of Representatives

  
\_\_\_\_\_  
President of the Senate

Attest:   
\_\_\_\_\_  
Chief Clerk of House of Representatives

Approved   
\_\_\_\_\_  
Governor

Date   
\_\_\_\_\_